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BY ECF

Honorable Valerie E. Caproni
United States District Judge
United States District Court
Southern District of New York
40 Foley Square
New York, NY 10007

Re: *Jose Velez v. O'Brien et al.*, 15-CV-7441 (VEC);

Your Honor:

I am Senior Counsel assigned to the defense of this matter on behalf of the defendants. Defendants write in reference to the Court's order dated September 5, 2017. (See Dkt. 71).

In the Court's September 5, 2017 Order, Your Honor states that many of defendants' objections contained in the parties' Joint Pre Trial Order ("JPTO") are "overbroad and in many cases have no clear connection to the exhibit at issue." Defendants have revised their objections to many of plaintiff's proposed exhibits. Specifically, defendants have removed most hearsay objections as they relate to defendants' own documents, with the understanding that these documents fit either the business record hearsay exception, or are party statements. However, defendants have maintained relevance objections to most of plaintiff's exhibits. The reason for almost all of these relevance objections is that almost none of the exhibits proposed by plaintiff will make a fact at issue more or less likely, and are not relevant to this case. As the Court is aware, the only claim at issue is plaintiff's excessive force claim, and thus the only issue to be determined in the upcoming trial is whether the defendant officers used a reasonable amount of force during their encounter with plaintiff.

Accordingly, defendants' objections to most of plaintiff's exhibits reflect defendants' contention that most of plaintiff's proposed exhibits will not make it more or less likely that plaintiff was subjected to excessive force, and therefore are not relevant.

Respectfully submitted,

/s/

Matthew E. Stein
Senior Counsel

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cc: Ryan Lozar, Esq. (via ECF)